

### REMARKS

Presently pending in the current application are claims 1-52.

#### 35 USC 112 Rejections

Claim 1 was rejected based on 35 USC 112. As will be shown below, Applicant believes that the subject matter previously provided in claim 1 was described in the specification. As such, Applicant respectfully requests the 35 USC 112 rejection be removed.

#### 35 USC 102(e) Rejections

Claim 1 was rejected as being anticipated by Bakshi et al. (US 6,772,200). Although Applicant does not believe that Bakshi fully teaches or suggests original claim 1, as previously described, Claim 1 was amended to include the limitations of: selectively redirecting the message to the user for display on a message vehicle occurring directly from the redirection device to the user without involvement from the destination site. Support for these limitations, which are not taught or suggested by Bakshi, can be found at least in paragraphs [0057] and [0062] of the instant application:

[0057] Redirecting device--a device residing in the neighborhood along with the cable access concentrator. This product is intentionally located at the edge of the network, providing intelligence at the last scalable point in the cable operators' IP network (in closest proximity to the user). The number of redirecting devices will replicate the number of access concentrators within the network, and the device will inter-connect to one of the access concentrator's Ethernet ports, **or in a manner as to have access to user upstream traffic. This device could be located anywhere in the infrastructure where access to user upstream traffic is available, but the closer it is located to the user, the greater the possibility for delivering messages due to**

**upstream service outages.** In one embodiment, the insertion of the redirecting device includes web cache control protocol., switching or redirecting mechanisms in an existing ISP router may be utilized. In another example, the redirecting device is inserted in the path of web traffic from the user through an ISP.

[0062] Direct communication with the customer from the transport vendor or ISP vendor, **independent of the destination sought by the customer and without blocking the customer's access to that destination** has not been previously developed and, therefore, available. However, the services that directly target real-time bulletins can provide a mechanism that forges a general-purpose facility and provide this capability.

Based on the aforementioned remarks and amendments, Applicant believes the present invention is in condition for allowance. A Notice of Allowance is therefore respectfully requested.

#### Previously Presented Claim 1

Claim 1 was amended to include, among other limitations:

Communicating real-time to users of an ISP, comprising:

Accessing by a redirecting device only user upstream traffic from a destination site requested by the user;

Identifying the user by using data available from the user and provider infrastructure to provide a fixed identifier based on the accessed user upstream traffic;

Providing, by the redirecting device, the fixed identifier to a consolidating and management device, wherein the consolidating and management device is separate from the redirecting device;

If a message for the user is desired, examining, by the redirecting device, the accessed user upstream traffic to determine if it is possible to send a redirection, wherein the examining occurs without modifying the accessed user upstream traffic; and

Selectively redirecting the message to the user for display on a message vehicle.

The Examiner rejected claim 1 by equating “accessing only user upstream traffic” as it appears in claim 1 to Bakshi’s proxy. As is known, a proxy handles two-way traffic (i.e. upstream and downstream traffic). For example, Bakshi states (bolded for emphasis), “In the arrangement shown in FIG. 5, transcoding server 34 includes an HTTP (HyperText Transfer Protocol) remote proxy 36, capable of accessing network 18 over server/network communications link 16. HTTP remote proxy 36 provides functionality different from known network proxies, which generally are little more than a conduit for **requests to, and replies from**, external Internet resources, in that it is capable not only of examining such **requests and replies**, but also of acting upon commands in the requests by, for example, determining whether or not to transcode content. Moreover, using transcoder 20, HTTP remote proxy 36 is capable of changing content received from network 18 prior to returning it to a requesting network client 12.

Conversely, previously presented claim 1 advantageously discloses accessing only user upstream traffic, providing a fixed identifier based on the accessed user upstream traffic, examining the accessed user upstream traffic without modifying the accessed user upstream traffic.

Conclusion

Applicant believes claim 1 is not taught or suggested by Bakshi and thus is in condition for allowance. As such, Applicant respectfully request claim 1 as well as all claims that depend from claim 1 to be passed to allowance.

If the Examiner has any other matters which pertain to this Application, the Examiner is encouraged to contact the undersigned to resolve these matters by Examiner's Amendment where possible.

Respectfully Submitted,

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